

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present Amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 11-22 are pending in this application. Claims 11, 13, 17, and 19, which are independent, are hereby amended. Claims 1-10 have been cancelled without prejudice to their subsequent prosecution in any continuing application or disclaimer of the proprietary rights set forth therein.

Support for this amendment is provided throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 11-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,872,928 to Lewis, et al. in view of U.S. Patent No. 6,546,419 to Humpleman, et al.

Claims 17-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,872,928 to Lewis, et al. in view of U.S. Patent No. 6,546,419 to Humpleman, et al. and further in view of U.S. Patent No. 6,064,949 to Werner, et al.

Claim 11 recites, inter alia:

“...a parameterization step comprising an iteration, over all of the solar protection and/or lighting devices (3), of at least two of the following phases:

- (a) entry and recording of data defining an exposure of an opening fitted with the solar protection device (3) with respect to the sun;
- (b) entry and recording of data defining a type of solar protection and/or lighting device; and
- (c) entry and recording of data defining the maximum desired depth of penetration of the sun into a building, and/or a desired visual comfort...”
(Emphasis added)

Applicants submit that nothing has been found in Lewis or Humpleman, taken alone or in combination, that would teach or suggest the above-identified features of claim 11. Therefore, claim 11 is patentable.

For reasons similar to those recited above, claims 13, 17, and 19 are also patentable.

Furthermore, Applicants submit that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings either in the references themselves or in the general knowledge available to one of ordinary skill in the art; second, there must be a reasonable expectation of success; third, the prior art reference or references must teach or suggest all the claim limitations. M.P.E.P. § 2143.

Applicants submit that the fact that Lewis relates to a router and and that Humpleman uses routers in order to ensure communications between home automation devices is not sufficient to assert that it would have been obvious for one of ordinary skill in the art to combine the teach of the documents and to arrive at something falling within the terms of the claims.

Therefore the instant invention is unobvious.

III. DEPENDENT CLAIMS

The other claims in the application are dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

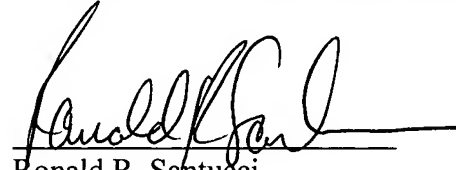
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate the portion or portions of the reference providing the basis for a contrary view.

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith
to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Ronald R. Santucci", written over a horizontal line.

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